

PATENT

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Application No.: 09/316546
Attorney Docket No.: 99-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 22927

Applicants: WALKER et al.
Application No.: 09/316,546
Filed: May 21, 1999
Title: METHOD AND APPARATUS FOR PROCESSING CREDIT
CARD TRANSACTIONS

Attorney Docket No. 99-012

Group Art Unit: 3693
Examiner: KARMIS, Stefanos

REQUEST FOR REFUND PURSUANT TO 37 C.F.R. § 1.26

Mail Stop 16
Director of the U.S.P.T.O.
P.O. Box 1450
Alexandria, VA 22313-1450

To Whom It May Concern:

For the reasons set forth below, Applicants respectfully request a refund in the amount of \$2350.00.

Adjustment date: 03/10/2010 CKHLOK
03/10/2009 INTFSW 00003728 500271 09316546
01 FC:1255 2350.00 CR

REQUEST FOR REFUND

Applicants request this refund of \$2350.00 paid for a five month extension of time on September 9, 2009. The five month extension was unnecessary (although this was not known to Applicants) and was paid in error.

RELEVANT FACTS AND PROOF

Applicants timely filed a petition to withdraw a Notice of Abandonment for lack of abandonment in fact.

As of September 9, 2009, no decision on the petition had been received. September 9, 2009 was seven months following the timely filing of a Notice of Appeal.

As they did not know the disposition of the petition, or the status of the application, Applicants elected to file a Request for Continued Examination (copy of the RCE transmittal and fee transmittal are enclosed) on September 9, 2009.

Applicants included with the RCE a petition for a five month extension of time to ensure that the RCE was filed in a timely manner following the Notice of Appeal. Applicants authorized payment of \$2,350 for the petition for five month extension of time. Applicants have enclosed the deposit account statement for September 2009 showing the deduction of \$2,350 on September 10, 2009.

The Office mailed a Decision on Petition on September 8, 2009, but Applicants did not receive the Decision until September 10, 2009, one day after filing the RCE and incurring the extension of time fee. The Decision states on page 2 that Applicants had two months from the date of the Decision (i.e., until November 8, 2009) to file an Appeal Brief.

Accordingly, the RCE would have been timely filed on September 9, 2009 without the extension of time, but Applicants did not know that on September 9, 2009.

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Therefore, Applicants request that the five month extension fee payment in the amount of \$2,350 be credited to Applicants' Deposit Account No. 50-0271.

Respectfully submitted,

January 7, 2010
Date

/Michael Downs 50252/
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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND			
1 Date of Request: <u>7-8-10</u>		2 Serial/Patent # <u>09/316546</u>	
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED
<input type="checkbox"/>	Filing		\$
<input type="checkbox"/>	Amendment		\$
<input type="checkbox"/>	Extension of Time		9-9-09 \$ 2,350.00
<input type="checkbox"/>	Notice of Appeal/Appeal		\$
<input type="checkbox"/>	Petition		\$
<input type="checkbox"/>	Issue		\$
<input type="checkbox"/>	Cert of Correction/Terminal Disc.		\$
<input type="checkbox"/>	Maintenance		\$
<input type="checkbox"/>	Assignment		\$
<input type="checkbox"/>	Other		\$
		7 TOTAL AMOUNT OF REFUND	
		\$ 2,350.00	
10 REASON:		8 TO BE REFUNDED BY:	
<input type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/> Treasury Check	
<input type="checkbox"/>	Duplicate Payment	<input checked="" type="checkbox"/> Credit Deposit A/C #:	
<input type="checkbox"/>	No Fee Due (Explanation):	9 <u>50--0271</u>	
<u>Extension/fee not necessary in view of the decision mailed 9-8-09.</u>			
11 REFUND REQUESTED BY:			
TYPED/PRINTED NAME: <u>Karen Creasy</u>		TITLE: <u>Petitions Examiner</u>	
SIGNATURE: <u>/Karen Creasy/</u>		PHONE: <u>2-3208</u>	
OFFICE: <u>Petitions</u>			
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****			
APPROVED: <u>[Signature]</u>		DATE: <u>3/10/10</u>	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: